

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BSG RESOURCES (GUINEA) LIMITED, BSG
RESOURCES (GUINEA) SARL, and BSG
RESOURCES LIMITED,

Plaintiffs,

v.

GEORGE SOROS, OPEN SOCIETY FOUNDATIONS,
OPEN SOCIETY INSTITUTE, FOUNDATION TO
PROMOTE OPEN SOCIETY, OPEN SOCIETY
FOUNDATION, INC., ALLIANCE FOR OPEN
SOCIETY INTERNATIONAL INC., OPEN SOCIETY
POLICY CENTER, and OPEN SOCIETY FUND,

Defendants.

No. 1:17-cv-02726 (JFK) (AJP)

**DECLARATION OF JAMES FITZMAURICE
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS THE AMENDED
COMPLAINT OR, IN THE ALTERNATIVE, TO STAY THE ACTION**

I, JAMES FITZMAURICE, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a member of the bar of this Court and of the law firm of Willkie Farr & Gallagher LLP, counsel for George Soros ("Soros"), Open Society Foundations ("OSF"), Open Society Institute, Foundation to Promote Open Society, Open Society Foundation, Inc. ("OSFI"), Alliance for Open Society International, Inc., Open Society Policy Center, and Open Society Fund (collectively "Defendants"). I submit this declaration in support of Defendants' Motion To Dismiss The Amended Complaint Or, In The Alternative, Stay The Action, dated July 28, 2017.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Request for Arbitration against the Republic of Guinea submitted by BSG Resources Limited to the International Centre for the Settlement of Investment Disputes (“ICSID”), dated August 1, 2014.

3. Attached hereto as Exhibit 2 is a true and correct copy of Claimant’s Amended Memorial submitted for and on behalf of BSG Resources Limited, BSG Resources (Guinea) Sàrl, and BSG Resources Limited in ICSID Case No. ARB/14/22, dated February 29, 2016.

4. Attached hereto as Exhibit 3 is a true and correct copy of Procedural Order No. 9 issued by the Tribunal in BSG Resources Ltd. v. Republic of Guinea, ICSID Case No. ARB/14/22, dated April 15, 2017.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Memorandum & Order of the Honorable William H. Pauley III, *United States v. Cilins*, No. 1:13-cr-00315 (S.D.N.Y. Jan. 15, 2014) ECF No. 50.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Transcript of Proceeding before the Honorable William H. Pauley III, *United States v. Cilins*, No. 1:13-cr-00315 (S.D.N.Y. Mar. 10, 2014) ECF No. 62.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Indictment in *United States v. Thiam*, No. 1:17-cr-00047 (S.D.N.Y. Jan. 18, 2017) ECF No. 12.

8. Attached hereto as Exhibit 7 is a true and correct copy of Exhibit A to the Memorandum of Law in Support of Defendant’s Motion to Dismiss in *United States v. Thiam*, No. 1:17-cr-00047 (S.D.N.Y. Mar. 27, 2017) ECF No. 65-1.

9. Attached hereto as Exhibit 8 is a true and correct copy of a news article by Patrick Radden Keefe, published by The New Yorker, dated July 8, 2013, titled Buried Secrets, as cited in paragraph 99 of Plaintiffs' Amended Complaint.

10. Attached hereto as Exhibit 9 is a true and correct copy of a news article by Tom Burgis, Helen Thomas and Misha Glenny, published by The Financial Times, dated November 2, 2012, titled Guinea's First Freely Elected Government Reignites \$2.5bn Mining Tussle, as cited in paragraph 130 of Plaintiffs' Amended Complaint.

11. Attached hereto as Exhibit 10 is a true and correct copy of a news article by Bob Van Voris, published by Bloomberg, dated May 16, 2013, titled Guinea Bribe-Probe Defendant Pleads Not Guilty in NYC, as cited in paragraph 106 of Plaintiffs' Amended Complaint.

12. Attached hereto as Exhibit 11 is a true and correct copy of a news article by Daniel Estrin, published by The Associated Press, dated December 19, 2016, titled Israeli Police Arrest Tycoon Suspected of Bribery in Guinea, as cited in paragraph 172 of Plaintiffs' Amended Complaint.

9. I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 28, 2017
New York, New York

s/ James Fitzmaurice
James Fitzmaurice